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SENATE BILL 6562

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Honeyford and Marr

Read first time 01/18/08. Referred to Committee on Judiciary.

1            AN ACT Relating to traffic violations; amending RCW 46.16.216,  
2 46.55.120, and 46.55.130; and reenacting and amending RCW 46.55.113.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to read  
5 as follows:

6            (1) To renew a vehicle license, an applicant shall satisfy all  
7 listed violations under chapter 46.61 RCW or an equivalent  
8 administrative regulation or local law, ordinance, regulation, or  
9 resolution relating to traffic, excluding pedestrian and nonmotorized  
10 vehicle violations, but including standing, stopping, and parking  
11 violations, and other infractions issued under RCW 46.63.030(1) (d) and  
12 (e) for the vehicle incurred while the vehicle was registered in the  
13 applicant's name and forwarded to the department pursuant to RCW  
14 46.20.270(3). For the purposes of this section, "listed" (~~(standing,~~  
15 ~~stopping,~~ ~~and parking)~~) violations (~~(, and other infractions issued~~  
16 ~~under RCW 46.63.030(1)(d))~~) include only those violations for which  
17 notice has been received from state or local agencies or courts by the  
18 department one hundred twenty days or more before the date the vehicle  
19 license expires and that are placed on the records of the department.

1 Notice of such violations received by the department later than one  
2 hundred twenty days before that date that are not satisfied shall be  
3 considered by the department in connection with any applications for  
4 license renewal in any subsequent license year. The renewal  
5 application may be processed by the department or its agents only if  
6 the applicant:

7 (a) Presents a preprinted renewal application showing no listed  
8 (~~standing, stopping, or parking~~) violations, (~~or other infractions~~  
9 ~~issued under RCW 46.63.030(1)(d),~~) or in the absence of such  
10 presentation, the agent verifies the information that would be  
11 contained on the preprinted renewal application; or

12 (b) If listed standing, stopping, or parking violations, or other  
13 infractions issued under RCW 46.63.030(1)(d) exist, presents proof of  
14 payment and pays a fifteen dollar surcharge.

15 (2) The surcharge shall be allocated as follows:

16 (a) Ten dollars shall be deposited in the motor vehicle fund to be  
17 used exclusively for the administrative costs of the department of  
18 licensing; and

19 (b) Five dollars shall be retained by the agent handling the  
20 renewal application to be used by the agent for the administration of  
21 this section.

22 (3) If there is a change in the registered owner of the vehicle,  
23 the department shall forward the information regarding the change to  
24 the state or local charging jurisdiction and release any hold on the  
25 renewal of the vehicle license resulting from (~~parking~~) violations  
26 (~~or other infractions issued under RCW 46.63.030(1)(d)~~) incurred  
27 while the certificate of license registration was in a previous  
28 registered owner's name.

29 (4) The department shall send to all registered owners of vehicles  
30 who have been reported to have outstanding listed (~~parking~~)  
31 violations (~~or other infractions issued under RCW 46.63.030(1)(d)~~),  
32 at the time of renewal, a statement setting out the dates and  
33 jurisdictions in which the violations occurred as well as the amounts  
34 of unpaid fines and penalties relating to them and the surcharge to be  
35 collected.

36 **Sec. 2.** RCW 46.55.113 and 2007 c 242 s 1 and 2007 c 86 s 1 are  
37 each reenacted and amended to read as follows:

1 (1)(a) Whenever the driver of a vehicle is arrested for a violation  
2 of RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is  
3 subject to summary impoundment, pursuant to the terms and conditions of  
4 an applicable local ordinance or state agency rule at the direction of  
5 a law enforcement officer.

6 (b) Whenever the driver of a vehicle is stopped and cited for  
7 failure to renew an expired registration under RCW 46.16.010(3) due to  
8 failure to timely satisfy listed violations as specified in RCW  
9 46.16.216, the vehicle is subject to summary impoundment, pursuant to  
10 the terms and conditions of an applicable local ordinance or state  
11 agency rule at the direction of a law enforcement officer. If the  
12 officer does not discover the listed violations until after the stop,  
13 the officer may impound the vehicle at a later time, provided that the  
14 officer issued a citation to the person for failure to renew an expired  
15 registration under RCW 46.16.010(3).

16 (2) In addition, a police officer may take custody of a vehicle, at  
17 his or her discretion, and provide for its prompt removal to a place of  
18 safety under any of the following circumstances:

19 (a) Whenever a police officer finds a vehicle standing upon the  
20 roadway in violation of any of the provisions of RCW 46.61.560, the  
21 officer may provide for the removal of the vehicle or require the  
22 driver or other person in charge of the vehicle to move the vehicle to  
23 a position off the roadway;

24 (b) Whenever a police officer finds a vehicle unattended upon a  
25 highway where the vehicle constitutes an obstruction to traffic or  
26 jeopardizes public safety;

27 (c) Whenever a police officer finds an unattended vehicle at the  
28 scene of an accident or when the driver of a vehicle involved in an  
29 accident is physically or mentally incapable of deciding upon steps to  
30 be taken to protect his or her property;

31 (d) Whenever the driver of a vehicle is arrested and taken into  
32 custody by a police officer;

33 (e) Whenever a police officer discovers a vehicle that the officer  
34 determines to be a stolen vehicle;

35 (f) Whenever a vehicle without a special license plate, placard, or  
36 decal indicating that the vehicle is being used to transport a person  
37 with disabilities under RCW 46.16.381 is parked in a stall or space

1 clearly and conspicuously marked under RCW 46.61.581 which space is  
2 provided on private property without charge or on public property;

3 (g) Upon determining that a person is operating a motor vehicle  
4 without a valid and, if required, a specially endorsed driver's license  
5 or with a license that has been expired for ninety days or more;

6 (h) When a vehicle is illegally occupying a truck, commercial  
7 loading zone, restricted parking zone, bus, loading, hooded-meter,  
8 taxi, street construction or maintenance, or other similar zone where,  
9 by order of the director of transportation or chiefs of police or fire  
10 or their designees, parking is limited to designated classes of  
11 vehicles or is prohibited during certain hours, on designated days or  
12 at all times, if the zone has been established with signage for at  
13 least twenty-four hours and where the vehicle is interfering with the  
14 proper and intended use of the zone. Signage must give notice to the  
15 public that a vehicle will be removed if illegally parked in the zone;

16 (i) When a vehicle with an expired registration of more than  
17 forty-five days is parked on a public street.

18 (3) When an arrest is made for a violation of RCW 46.20.342, if the  
19 vehicle is a commercial vehicle and the driver of the vehicle is not  
20 the owner of the vehicle, before the summary impoundment directed under  
21 subsection (1) of this section, the police officer shall attempt in a  
22 reasonable and timely manner to contact the owner of the vehicle and  
23 may release the vehicle to the owner if the owner is reasonably  
24 available, as long as the owner was not in the vehicle at the time of  
25 the stop and arrest and the owner has not received a prior release  
26 under this subsection or RCW 46.55.120(1)(a)(ii).

27 (4) Nothing in this section may derogate from the powers of police  
28 officers under the common law. For the purposes of this section, a  
29 place of safety may include the business location of a registered tow  
30 truck operator.

31 **Sec. 3.** RCW 46.55.120 and 2004 c 250 s 1 are each amended to read  
32 as follows:

33 (1) Vehicles or other items of personal property registered or  
34 titled with the department that are impounded by registered tow truck  
35 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140  
36 may be redeemed only under the following circumstances:

1 (a) Only the legal owner, the registered owner, a person authorized  
2 in writing by the registered owner or the vehicle's insurer, a person  
3 who is determined and verified by the operator to have the permission  
4 of the registered owner of the vehicle or other item of personal  
5 property registered or titled with the department, or one who has  
6 purchased a vehicle or item of personal property registered or titled  
7 with the department from the registered owner who produces proof of  
8 ownership or written authorization and signs a receipt therefor, may  
9 redeem an impounded vehicle or items of personal property registered or  
10 titled with the department. In addition, a vehicle impounded because  
11 the operator is in violation of RCW 46.20.342(1)(c) shall not be  
12 released until a person eligible to redeem it under this subsection  
13 (1)(a) satisfies the requirements of (e) of this subsection, including  
14 paying all towing, removal, and storage fees, notwithstanding the fact  
15 that the hold was ordered by a government agency. If the department's  
16 records show that the operator has been convicted of a violation of RCW  
17 46.20.342 or a similar local ordinance within the past five years, the  
18 vehicle may be held for up to thirty days at the written direction of  
19 the agency ordering the vehicle impounded. A vehicle impounded because  
20 the operator is arrested for a violation of RCW 46.20.342, or is cited  
21 for failure to renew an expired registration under RCW 46.16.010(3) due  
22 to failure to timely satisfy listed violations as specified in RCW  
23 46.16.216, may be released only pursuant to a written order from the  
24 agency that ordered the vehicle impounded or from the court having  
25 jurisdiction. An agency may issue a written order to release pursuant  
26 to a provision of an applicable state agency rule or local ordinance  
27 authorizing release on the basis of the following:

28 (i) Economic or personal hardship to the spouse of the operator,  
29 taking into consideration public safety factors, including the  
30 operator's criminal history and driving record; or

31 (ii) The owner of the vehicle was not the driver, the owner did not  
32 know that the driver's license was suspended or revoked, and the owner  
33 has not received a prior release under this subsection or RCW  
34 46.55.113(3).

35 In order to avoid discriminatory application, other than for the  
36 reasons for release set forth in (a)(i) and (ii) of this subsection, an  
37 agency shall, under a provision of an applicable state agency rule or

1 local ordinance, deny release in all other circumstances without  
2 discretion.

3 If a vehicle is impounded because the operator is in violation of  
4 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty  
5 days at the written direction of the agency ordering the vehicle  
6 impounded. However, if the department's records show that the operator  
7 has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a  
8 similar local ordinance within the past five years, the vehicle may be  
9 held at the written direction of the agency ordering the vehicle  
10 impounded for up to sixty days, and for up to ninety days if the  
11 operator has two or more such prior offenses. If a vehicle is  
12 impounded because the operator is arrested for a violation of RCW  
13 46.20.342, the vehicle may not be released until a person eligible to  
14 redeem it under this subsection (1)(a) satisfies the requirements of  
15 (e) of this subsection, including paying all towing, removal, and  
16 storage fees, notwithstanding the fact that the hold was ordered by a  
17 government agency.

18 (b) If the vehicle is directed to be held for a suspended license  
19 impound, a person who desires to redeem the vehicle at the end of the  
20 period of impound shall within five days of the impound at the request  
21 of the tow truck operator pay a security deposit to the tow truck  
22 operator of not more than one-half of the applicable impound storage  
23 rate for each day of the proposed suspended license impound. The tow  
24 truck operator shall credit this amount against the final bill for  
25 removal, towing, and storage upon redemption. The tow truck operator  
26 may accept other sufficient security in lieu of the security deposit.  
27 If the person desiring to redeem the vehicle does not pay the security  
28 deposit or provide other security acceptable to the tow truck operator,  
29 the tow truck operator may process and sell at auction the vehicle as  
30 an abandoned vehicle within the normal time limits set out in RCW  
31 46.55.130(1). The security deposit required by this section may be  
32 paid and must be accepted at any time up to twenty-four hours before  
33 the beginning of the auction to sell the vehicle as abandoned. The  
34 registered owner is not eligible to purchase the vehicle at the  
35 auction, and the tow truck operator shall sell the vehicle to the  
36 highest bidder who is not the registered owner.

37 (c) Notwithstanding (b) of this subsection, a rental car business

1 may immediately redeem a rental vehicle it owns by payment of the costs  
2 of removal, towing, and storage, whereupon the vehicle will not be held  
3 for a suspended license impound.

4 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer  
5 or lender with a perfected security interest in the vehicle may redeem  
6 or lawfully repossess a vehicle immediately by payment of the costs of  
7 removal, towing, and storage, whereupon the vehicle will not be held  
8 for a suspended license impound. A motor vehicle dealer or lender with  
9 a perfected security interest in the vehicle may not knowingly and  
10 intentionally engage in collusion with a registered owner to repossess  
11 and then return or resell a vehicle to the registered owner in an  
12 attempt to avoid a suspended license impound. However, this provision  
13 does not preclude a vehicle dealer or a lender with a perfected  
14 security interest in the vehicle from repossessing the vehicle and then  
15 selling, leasing, or otherwise disposing of it in accordance with  
16 chapter 62A.9A RCW, including providing redemption rights to the debtor  
17 under RCW 62A.9A-623. If the debtor is the registered owner of the  
18 vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A  
19 RCW is conditioned upon the debtor obtaining and providing proof from  
20 the impounding authority or court having jurisdiction that any fines,  
21 penalties, and forfeitures owed by the registered owner, as a result of  
22 the suspended license impound, have been paid, and proof of the payment  
23 must be tendered to the vehicle dealer or lender at the time the debtor  
24 tenders all other obligations required to redeem the vehicle. Vehicle  
25 dealers or lenders are not liable for damages if they rely in good  
26 faith on an order from the impounding agency or a court in releasing a  
27 vehicle held under a suspended license impound.

28 (e) The vehicle or other item of personal property registered or  
29 titled with the department shall be released upon the presentation to  
30 any person having custody of the vehicle of commercially reasonable  
31 tender sufficient to cover the costs of towing, storage, or other  
32 services rendered during the course of towing, removing, impounding, or  
33 storing any such vehicle, with credit being given for the amount of any  
34 security deposit paid under (b) of this subsection. In addition, if a  
35 vehicle is impounded because the operator was arrested for a violation  
36 of RCW 46.20.342 or 46.20.345 and was being operated by the registered  
37 owner when it was impounded under local ordinance or agency rule, it  
38 must not be released to any person until the registered owner

1 establishes with the agency that ordered the vehicle impounded or the  
2 court having jurisdiction that any penalties, fines, or forfeitures  
3 owed by him or her have been satisfied. In addition, if a vehicle is  
4 impounded for failure to renew an expired registration under RCW  
5 46.16.010(3) due to failure to timely satisfy listed violations as  
6 specified in RCW 46.16.216, it must not be released to any person until  
7 the owner establishes with the agency that ordered the vehicle  
8 impounded or the court having jurisdiction that any penalties, fines,  
9 or forfeitures owed by him or her have been satisfied. Registered tow  
10 truck operators are not liable for damages if they rely in good faith  
11 on an order from the impounding agency or a court in releasing a  
12 vehicle held under a suspended license impound. Commercially  
13 reasonable tender shall include, without limitation, cash, major bank  
14 credit cards issued by financial institutions, or personal checks drawn  
15 on Washington state branches of financial institutions if accompanied  
16 by two pieces of valid identification, one of which may be required by  
17 the operator to have a photograph. If the towing firm cannot determine  
18 through the customer's bank or a check verification service that the  
19 presented check would be paid by the bank or guaranteed by the service,  
20 the towing firm may refuse to accept the check. Any person who stops  
21 payment on a personal check or credit card, or does not make  
22 restitution within ten days from the date a check becomes insufficient  
23 due to lack of funds, to a towing firm that has provided a service  
24 pursuant to this section or in any other manner defrauds the towing  
25 firm in connection with services rendered pursuant to this section  
26 shall be liable for damages in the amount of twice the towing and  
27 storage fees, plus costs and reasonable attorney's fees.

28 (2)(a) The registered tow truck operator shall give to each person  
29 who seeks to redeem an impounded vehicle, or item of personal property  
30 registered or titled with the department, written notice of the right  
31 of redemption and opportunity for a hearing, which notice shall be  
32 accompanied by a form to be used for requesting a hearing, the name of  
33 the person or agency authorizing the impound, and a copy of the towing  
34 and storage invoice. The registered tow truck operator shall maintain  
35 a record evidenced by the redeeming person's signature that such  
36 notification was provided.

37 (b) Any person seeking to redeem an impounded vehicle under this  
38 section has a right to a hearing in the district or municipal court for

1 the jurisdiction in which the vehicle was impounded to contest the  
2 validity of the impoundment or the amount of towing and storage  
3 charges. The district court has jurisdiction to determine the issues  
4 involving all impoundments including those authorized by the state or  
5 its agents. The municipal court has jurisdiction to determine the  
6 issues involving impoundments authorized by agents of the municipality.  
7 Any request for a hearing shall be made in writing on the form provided  
8 for that purpose and must be received by the appropriate court within  
9 ten days of the date the opportunity was provided for in subsection  
10 (2)(a) of this section and more than five days before the date of the  
11 auction. At the time of the filing of the hearing request, the  
12 petitioner shall pay to the court clerk a filing fee in the same amount  
13 required for the filing of a suit in district court. If the hearing  
14 request is not received by the court within the ten-day period, the  
15 right to a hearing is waived and the registered owner is liable for any  
16 towing, storage, or other impoundment charges permitted under this  
17 chapter. Upon receipt of a timely hearing request, the court shall  
18 proceed to hear and determine the validity of the impoundment.

19 (3)(a) The court, within five days after the request for a hearing,  
20 shall notify the registered tow truck operator, the person requesting  
21 the hearing if not the owner, the registered and legal owners of the  
22 vehicle or other item of personal property registered or titled with  
23 the department, and the person or agency authorizing the impound in  
24 writing of the hearing date and time.

25 (b) At the hearing, the person or persons requesting the hearing  
26 may produce any relevant evidence to show that the impoundment, towing,  
27 or storage fees charged were not proper. The court may consider a  
28 written report made under oath by the officer who authorized the  
29 impoundment in lieu of the officer's personal appearance at the  
30 hearing.

31 (c) At the conclusion of the hearing, the court shall determine  
32 whether the impoundment was proper, whether the towing or storage fees  
33 charged were in compliance with the posted rates, and who is  
34 responsible for payment of the fees. The court may not adjust fees or  
35 charges that are in compliance with the posted or contracted rates.

36 (d) If the impoundment is found proper, the impoundment, towing,  
37 and storage fees as permitted under this chapter together with court  
38 costs shall be assessed against the person or persons requesting the

1 hearing, unless the operator did not have a signed and valid  
2 impoundment authorization from a private property owner or an  
3 authorized agent.

4 (e) If the impoundment is determined to be in violation of this  
5 chapter, then the registered and legal owners of the vehicle or other  
6 item of personal property registered or titled with the department  
7 shall bear no impoundment, towing, or storage fees, and any security  
8 shall be returned or discharged as appropriate, and the person or  
9 agency who authorized the impoundment shall be liable for any towing,  
10 storage, or other impoundment fees permitted under this chapter. The  
11 court shall enter judgment in favor of the registered tow truck  
12 operator against the person or agency authorizing the impound for the  
13 impoundment, towing, and storage fees paid. In addition, the court  
14 shall enter judgment in favor of the registered and legal owners of the  
15 vehicle, or other item of personal property registered or titled with  
16 the department, for the amount of the filing fee required by law for  
17 the impound hearing petition as well as reasonable damages for loss of  
18 the use of the vehicle during the time the same was impounded against  
19 the person or agency authorizing the impound. However, if an  
20 impoundment arising from an alleged violation of RCW 46.16.010(3) for  
21 failure to timely satisfy listed violations as specified in RCW  
22 46.16.216, or of RCW 46.20.342 or 46.20.345 is determined to be in  
23 violation of this chapter, then the law enforcement officer directing  
24 the impoundment and the government employing the officer are not liable  
25 for damages if the officer relied in good faith and without gross  
26 negligence on the records of the department in ascertaining that: (i)  
27 The operator of the vehicle had a suspended or revoked driver's  
28 license; or (ii) the vehicle's registration had expired under RCW  
29 46.16.010(3) for failure to timely satisfy listed violations as  
30 specified in RCW 46.16.216. If any judgment entered is not paid within  
31 fifteen days of notice in writing of its entry, the court shall award  
32 reasonable attorneys' fees and costs against the defendant in any  
33 action to enforce the judgment. Notice of entry of judgment may be  
34 made by registered or certified mail, and proof of mailing may be made  
35 by affidavit of the party mailing the notice. Notice of the entry of  
36 the judgment shall read essentially as follows:

37 TO: . . . . .

38 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the

1 . . . . . Court located at . . . . . in the sum of  
2 \$. . . . ., in an action entitled . . . . ., Case No.  
3 . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs  
4 will be awarded against you under RCW . . . if the judgment is  
5 not paid within 15 days of the date of this notice.

6 DATED this . . . . day of . . . . ., (year) . . .

7 Signature . . . . .

8 Typed name and address  
9 of party mailing notice

10 (4) Any impounded abandoned vehicle or item of personal property  
11 registered or titled with the department that is not redeemed within  
12 fifteen days of mailing of the notice of custody and sale as required  
13 by RCW 46.55.110(3) shall be sold at public auction in accordance with  
14 all the provisions and subject to all the conditions of RCW 46.55.130.  
15 A vehicle or item of personal property registered or titled with the  
16 department may be redeemed at any time before the start of the auction  
17 upon payment of the applicable towing and storage fees.

18 **Sec. 4.** RCW 46.55.130 and 2006 c 28 s 1 are each amended to read  
19 as follows:

20 (1) If, after the expiration of fifteen days from the date of  
21 mailing of notice of custody and sale required in RCW 46.55.110(3) to  
22 the registered and legal owners, the vehicle remains unclaimed and has  
23 not been listed as a stolen vehicle, or a suspended license impound has  
24 been directed, but no security paid under RCW 46.55.120, then the  
25 registered tow truck operator having custody of the vehicle shall  
26 conduct a sale of the vehicle at public auction after having first  
27 published a notice of the date, place, and time of the auction, and a  
28 method to contact the tow truck operator conducting the auction such as  
29 a telephone number, electronic mail address, or web site, in a  
30 newspaper of general circulation in the county in which the vehicle is  
31 located not less than three days and no more than ten days before the  
32 date of the auction. For the purposes of this section, a newspaper of  
33 general circulation may be a commercial, widely circulated, free,  
34 classified advertisement circular not affiliated with the registered  
35 tow truck operator and the notice may be listed in a classification  
36 delineating "auctions" or similar language designed to attract  
37 potential bidders to the auction. The notice shall contain a

1 notification that a public viewing period will be available before the  
2 auction and the length of the viewing period. The auction shall be  
3 held during daylight hours of a normal business day. The viewing  
4 period must be one hour if twenty-five or fewer vehicles are to be  
5 auctioned, two hours if more than twenty-five and fewer than fifty  
6 vehicles are to be auctioned, and three hours if fifty or more vehicles  
7 are to be auctioned.

8 (2) The following procedures are required in any public auction of  
9 such abandoned vehicles:

10 (a) The auction shall be held in such a manner that all persons  
11 present are given an equal time and opportunity to bid;

12 (b) All bidders must be present at the time of auction unless they  
13 have submitted to the registered tow truck operator, who may or may not  
14 choose to use the preauction bid method, a written bid on a specific  
15 vehicle. Written bids may be submitted up to five days before the  
16 auction and shall clearly state which vehicle is being bid upon, the  
17 amount of the bid, and who is submitting the bid;

18 (c) The open bid process, including all written bids, shall be used  
19 so that everyone knows the dollar value that must be exceeded;

20 (d) The highest two bids received shall be recorded in written form  
21 and shall include the name, address, and telephone number of each such  
22 bidder;

23 (e) In case the high bidder defaults, the next bidder has the right  
24 to purchase the vehicle for the amount of his or her bid;

25 (f) The successful bidder shall apply for title within fifteen  
26 days;

27 (g) The registered tow truck operator shall post a copy of the  
28 auction procedure at the bidding site. If the bidding site is  
29 different from the licensed office location, the operator shall post a  
30 clearly visible sign at the office location that describes in detail  
31 where the auction will be held. At the bidding site a copy of the  
32 newspaper advertisement that lists the vehicles for sale shall be  
33 posted;

34 (h) All surplus moneys derived from the auction after satisfaction  
35 of the registered tow truck operator's lien shall be remitted within  
36 thirty days to the department for deposit in the state motor vehicle  
37 fund. However, if a vehicle was impounded for failure to renew an  
38 expired registration under RCW 46.16.010(3) due to failure to timely

1 satisfy listed violations as specified in RCW 46.16.216, all surplus  
2 moneys shall first go towards satisfaction of any penalties, fines, or  
3 forfeitures owed, then to the owner, if any surplus moneys remain. A  
4 report identifying the vehicles resulting in any surplus shall  
5 accompany the (~~remitted~~) funds remitted to the department. If the  
6 director subsequently receives a valid claim from the registered  
7 vehicle owner of record as determined by the department within one year  
8 from the date of the auction, the surplus moneys shall be remitted to  
9 such owner;

10 (i) If an operator receives no bid, or if the operator is the  
11 successful bidder at auction, the operator shall, within forty-five  
12 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or  
13 scrap processor by use of the abandoned vehicle report-affidavit of  
14 sale, or the operator shall apply for title to the vehicle.

15 (3) A tow truck operator may refuse to accept a bid at an abandoned  
16 vehicle auction under this section for any reason in the operator's  
17 posted operating procedures and for any of the following reasons: (a)  
18 The bidder is currently indebted to the operator; (b) the operator has  
19 knowledge that the bidder has previously abandoned vehicles purchased  
20 at auction; or (c) the bidder has purchased, at auction, more than four  
21 vehicles in the last calendar year without obtaining title to any or  
22 all of the vehicles. In no case may an operator hold a vehicle for  
23 longer than ninety days without holding an auction on the vehicle,  
24 except for vehicles that are under a police or judicial hold.

25 (4)(a) In no case may the accumulation of storage charges exceed  
26 fifteen days from the date of receipt of the information by the  
27 operator from the department as provided by RCW 46.55.110(3).

28 (b) The failure of the registered tow truck operator to comply with  
29 the time limits provided in this chapter limits the accumulation of  
30 storage charges to five days except where delay is unavoidable.  
31 Providing incorrect or incomplete identifying information to the  
32 department in the abandoned vehicle report shall be considered a  
33 failure to comply with these time limits if correct information is  
34 available. However, storage charges begin to accrue again on the date  
35 the correct and complete information is provided to the department by  
36 the registered tow truck operator.

--- END ---